

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed August 21, 2007. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 21 – 24, 26 – 31, 33 – 38, and 40 are pending. In particular, Applicants amend claims 21, 28, and 35. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 21 – 24, 26 – 31, 33 – 38, and 40 stand rejected under 35 U.S.C. §112, first paragraph, as being indefinite for failing to comply with the written description requirement. Applicants amend claims 21, 28, and 35, as indicated above. Applicants submit that these amendments comply with the Office Actions request and that claims 21 – 24, 26 – 31, 33 – 38, and 40, as amended, meet the requirements of 35 U.S.C. §112, first paragraph.

II. Double Patenting

The Office Action indicates that claims 21 – 24 and 26 – 27 are rejected under the judicially created doctrine of nonstatutory double patenting as being allegedly unpatentable over claims 1 – 5 of U.S. Patent Number 6,650,740 in view of U.S. Patent Number 6,195,418 and further in view of U.S. Patent 6,137,870. The Office Action also indicates that claims 28 – 31 and 33 – 34 are rejected under the judicially created doctrine of nonstatutory double patenting as being allegedly unpatentable over claims 6 – 11 of U.S. Patent Number 6,650,740 in view of U.S. Patent Number 6,195,418 and further in view of U.S. Patent Number 6,137,870. Applicants agree to file a terminal disclaimer at the time of allowance.

III. Rejections Under 35 U.S.C. §103

A. Claim 21 is Allowable Over *Shaffer* in view of *Ridgley* further in view of *Scherer*

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,567,507 ("*Shaffer*") in view of U.S. Patent Number 6,195,418 ("*Ridgley*") further in view of U.S. Patent Number 6,137,870 ("*Scherer*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claim 21. More specifically, claim 21 recites:

A method to make a reply call to a voice mail message, comprising:

receiving a communication request from a voicemail server, the communication request resulting from a subscriber accessing, from an accessing number, a voicemail message created by a caller via the voicemail server from a plurality of voicemail messages, further resulting from the voicemail server presenting the user with the plurality of voicemail messages, and ***further resulting from the subscriber indicating the voicemail message from the plurality of presented voicemail messages for connecting the subscriber with the caller,***

connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number;

receiving a dual tone multi frequency (DTMF) signal from the subscriber;

determining whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server; and

in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnecting the subscriber with the voicemail server.

(emphasis added)

Applicants respectfully submit that claim 21, as amended, is allowable over the cited art for at least the reason that *Shaffer* in view of *Ridgley*, further in view of *Scherer* fails to disclose, teach, or suggest a "method to make a reply call to a voice mail message, comprising...

determining whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server... [and] in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnecting the subscriber with the voicemail server” as recited in claim 21, as amended.

More specifically, *Shaffer* discloses “[w]hen a user has terminated the call to the remote terminal device 26, the switch 22 disconnects the remote terminal device 26 and automatically returns the user call to the VMS 20” (column 4, line 8). Applicants respectfully submit that this is different than claim 21, as amended, for at least the reason that terminating a call is different than receiving a DTMF signal. With regard to *Shaffer*, by terminating a call to automatically return the user call to the VMS, the user has no ability to initiate a new call prior to connecting to the VMS. In claim 21, as amended, such a scenario is possible. For at least this reason, claim 21, as amended, is allowable.

Additionally, *Ridgley* fails to overcome the deficiencies of *Shaffer*. More specifically, *Ridgley* discloses a “callback feature wherein the calling party is billed for the return telephone call rather than the message recipient, i.e., an automatic reverse billing feature” (column 6, line 63). Applicants respectfully submit that this is different than claim 21, as amended, for at least the reason that a reverse billing feature is different than utilizing a DTMF signal to determine whether to reconnect a subscriber with a voicemail server. For at least this additional reason, claim 21, as amended, is allowable.

Further, *Scherer* fails to overcome the deficiencies of *Shaffer* and *Ridgley*. More specifically, *Scherer* discloses “a system for replacing all or a portion of the existing caller identification data... or modifying the caller ID, and/or having the modified caller ID act as a reference to data stored elsewhere such as in the Initial Address Message (IAM) user-to-user field” (column 7, line 24). However, *Scherer* fails to disclose all the elements of claim 21, as amended. For at least this reason, claim 21, as amended, is allowable.

Support for this amendment can be found, among other places, on page 18, line 7 of the present application.

Additionally, claim 21, as amended, is allowable for at least the reason that *Shaffer* in view of *Ridgley*, further in view of *Scherer* fails to disclose, teach, or suggest a “method to make a reply call to a voice mail message, comprising...receiving a communication request from a voicemail server, the communication request resulting from a subscriber accessing, from an accessing number, a voicemail message created by a caller via the voicemail server from a plurality of voicemail messages, further resulting from the voicemail server presenting the user with the plurality of voicemail messages, and **further resulting from the subscriber indicating the voicemail message from the plurality of presented voicemail messages for connecting the subscriber with the caller**” as recited in claim 21, as amended. More specifically, *Shaffer* discloses “[w]hen a user has terminated the call to the remote terminal device 26, the switch 22 disconnects the remote terminal device 26 and automatically returns the user call to the VMS 20” (column 4, line 8). However, *Shaffer* fails to disclose indicating the voicemail message from the plurality of presented voicemail messages for connecting the subscriber with the caller. For at least this reason, claim 21, as amended, is allowable.

Ridgley fails to overcome these deficiencies of *Shaffer*, as well. More specifically, *Ridgley* discloses a “callback feature wherein the calling party is billed for the return telephone call rather than the message recipient, i.e., an automatic reverse billing feature” (column 6, line 63). However, *Ridgley* fails to disclose indicating the voicemail message from the plurality of presented voicemail messages for connecting the subscriber with the caller. For at least this reason, claim 21, as amended, is allowable.

Further, *Scherer* fails to overcome the deficiencies of *Shaffer* and *Ridgley*, as well. More specifically, *Scherer* discloses “a system for replacing all or a portion of the existing caller identification data... or modifying the caller ID, and/or having the modified caller ID act as a reference to data stored elsewhere such as in the Initial Address Message (IAM) user-to-user

field” (column 7, line 24). However, *Scherer* fails to disclose indicating the voicemail message from the plurality of presented voicemail messages for connecting the subscriber with the caller. For at least this reason, claim 21, as amended, is allowable.

Support for this amendment may be found, among other places, on page 13, line 23 of the present application.

B. Claim 28 is Allowable Over *Shaffer* in view of *Ridgley* further in view of *Scherer*

The Office Action indicates that claim 28 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,567,507 (“*Shaffer*”) in view of U.S. Patent Number 6,195,418 (“*Ridgley*”) further in view of U.S. Patent Number 6,137,870 (“*Scherer*”). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claim 28. More specifically, claim 28 recites:

A system for making a reply call to a voice mail message, comprising:

a receiving component configured to receive a communication request from a voicemail server, the communication request resulting from a subscriber accessing, from an accessing number, a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

a connecting component configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes routing the communication through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number; and

a reconnecting component configured to, receive a dual tone multi frequency (DTMF) signal from the subscriber, ***determine whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, and in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnect the subscriber with the voicemail server.***

(emphasis added)

Applicants respectfully submit that claim 28, as amended, is allowable over the cited art for at least the reason that *Shaffer* in view of *Ridgley*, further in view of *Scherer* fails to disclose, teach, or suggest a “system for making a reply call to a voice mail message, comprising... a reconnecting component configured to, receive a dual tone multi frequency (DTMF) signal from the subscriber, **determine whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, and in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnect the subscriber with the voicemail server**” as recited in claim 28, as amended. More specifically, *Shaffer* discloses “[w]hen a user has terminated the call to the remote terminal device 26, the switch 22 disconnects the remote terminal device 26 and automatically returns the user call to the VMS 20” (column 4, line 8). Applicants respectfully submit that this is different than claim 28, as amended, for at least the reason that terminating a call is different than receiving a DTMF signal. With regard to *Shaffer*, by terminating a call to automatically return the user call to the VMS, the user has no ability to initiate a new call prior to connecting to the VMS. In claim 28, as amended, such a scenario is possible. For at least this reason, claim 28, as amended, is allowable.

Additionally, *Ridgley* fails to overcome the deficiencies of *Shaffer*. More specifically, *Ridgley* discloses a “callback feature wherein the calling party is billed for the return telephone call rather than the message recipient, i.e., an automatic reverse billing feature” (column 6, line 63). Applicants respectfully submit that this is different than claim 28, as amended, for at least the reason that a reverse billing feature is different than utilizing a DTMF signal to determine whether to reconnect a subscriber with a voicemail server. For at least this additional reason, claim 28, as amended, is allowable.

Further, *Scherer* fails to overcome the deficiencies of *Shaffer* and *Ridgley*. More specifically, *Scherer* discloses “a system for replacing all or a portion of the existing caller

identification data... or modifying the caller ID, and/or having the modified caller ID act as a reference to data stored elsewhere such as in the Initial Address Message (IAM) user-to-user field" (column 7, line 24). However, *Scherer* fails to disclose all the elements of claim 28, as amended. For at least this reason, claim 28, as amended, is allowable.

Support for this amendment can be found, among other places, on page 18, line 7 of the present application.

C. Claim 35 is Allowable Over *Shaffer* in view of *Ridgley* further in view of *Scherer*

The Office Action indicates that claim 35 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,567,507 ("*Shaffer*") in view of U.S. Patent Number 6,195,418 ("*Ridgley*") further in view of U.S. Patent Number 6,137,870 ("*Scherer*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claim 35. More specifically, claim 35 recites:

A computer readable medium configured to facilitate initiation of a reply call to a voice mail message, comprising:

logic configured to receive a communication request from a voicemail server, the communication request resulting from a subscriber accessing, from an accessing number, a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes routing the communication through a directory number associated with the subscriber, such that the communication appears to originate from the directory number associated with the subscriber to facilitate creation of a billing record entry associated with the directory number, the directory number being different than the accessing number; and

logic configured to receive a dual tone multi frequency (DTMF) signal from the subscriber; ***determine whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, and in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the***

voicemail server, reconnect the subscriber with the voicemail server.
(emphasis added)

Applicants respectfully submit that claim 35, as amended, is allowable over the cited art for at least the reason that *Shaffer* in view of *Ridgley*, further in view of *Scherer* fails to disclose, teach, or suggest a “computer readable medium configured to facilitate initiation of a reply call to a voice mail message, comprising... logic configured to receive a dual tone multi frequency (DTMF) signal from the subscriber; ***determine whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, and in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnect the subscriber with the voicemail server***” as recited in claim 35, as amended. More specifically, *Shaffer* discloses “[w]hen a user has terminated the call to the remote terminal device 26, the switch 22 disconnects the remote terminal device 26 and automatically returns the user call to the VMS 20” (column 4, line 8). Applicants respectfully submit that this is different than claim 35, as amended, for at least the reason that terminating a call is different than receiving a DTMF signal. With regard to *Shaffer*, by terminating a call to automatically return the user call to the VMS, the user has no ability to initiate a new call prior to connecting to the VMS. In claim 35, as amended, such a scenario is possible. For at least this reason, claim 35, as amended, is allowable.

Additionally, *Ridgley* fails to overcome the deficiencies of *Shaffer*. More specifically, *Ridgley* discloses a “callback feature wherein the calling party is billed for the return telephone call rather than the message recipient, i.e., an automatic reverse billing feature” (column 6, line 63). Applicants respectfully submit that this is different than claim 35, as amended, for at least the reason that a reverse billing feature is different than utilizing a DTMF signal to determine whether to reconnect a subscriber with a voicemail server. For at least this additional reason, claim 35, as amended, is allowable.

Further, *Scherer* fails to overcome the deficiencies of *Shaffer* and *Ridgley*. More specifically, *Scherer* discloses “a system for replacing all or a portion of the existing caller identification data... or modifying the caller ID, and/or having the modified caller ID act as a reference to data stored elsewhere such as in the Initial Address Message (IAM) user-to-user field” (column 7, line 24). However, *Scherer* fails to disclose all the elements of claim 35, as amended. For at least this reason, claim 35, as amended, is allowable.

Support for this amendment can be found, among other places, on page 18, line 7 of the present application.

D. Claims 22 – 23, 27, 29 – 30, 34, and 36 – 37 are Allowable Over *Shaffer* in view of *Ridgley* further in view of *Scherer*

The Office Action indicates that claims 22 – 23, 27, 29 – 30, 34, and 36 – 37 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,567,507 (“*Shaffer*”) in view of U.S. Patent Number 6,195,418 (“*Ridgley*”) further in view of U.S. Patent Number 6,137,870 (“*Scherer*”). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* further in view of *Scherer* fails to disclose, teach, or suggest all of the elements of claims 22 – 23, 27, 29 – 30, 34, and 36 – 37. More specifically, dependent claims 22 – 23 and 27 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 21. Dependent claims 29 – 30 and 34 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 28. Further, dependent claims 36 – 37 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 35. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

E. Claims 24, 31, and 38 are Allowable Over *Shaffer* in view of *Ridgley* and in view of *Scherer* further in view of *Ekstrom*

The Office Action indicates that claims 24, 31, and 38 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,567,507 ("*Shaffer*") in view of U.S. Patent Number 6,195,418 ("*Ridgley*") and in view of U.S. Patent Number 6,137,870 ("*Scherer*") further in view of U.S. Patent Number 6,148,069 ("*Ekstrom*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* and in view of *Scherer* further in view of *Ekstrom* fails to disclose, teach, or suggest all of the elements of claims 24, 31, and 38. More specifically, dependent claim 24 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 21. Since *Ekstrom* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 24 is allowable as a matter of law. Dependent claim 31 is believed to be allowable for at least the reason that it depends from and includes the elements of allowable independent claim 28. Since *Ekstrom* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 31 is allowable as a matter of law. Further, dependent claim 38 is believed to be allowable for at least the reason that it depends from and includes the elements of allowable independent claim 35. Since *Ekstrom* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 38 is allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

F. Claims 26, 33, and 40 are Allowable Over *Shaffer* in view of *Ridgley* and *Scherer* further in view of *Berberich*

The Office Action indicates that claims 26, 33, and 40 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,567,507 ("*Shaffer*") in view of U.S. Patent Number 6,195,418 ("*Ridgley*") in view of U.S. Patent Number 6,137,870 ("*Scherer*") further in view of U.S. Patent Number 5,818,919 ("*Berberich*"). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* in view of *Scherer* further in view of *Berberich* fails to disclose, teach, or suggest all of the elements of claims 26, 33, and 40. More specifically, dependent claim 26 is believed to be allowable for at least the reason that this claim depends from and includes elements of allowable independent claim 21. Since *Berberich* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 26 is allowable as a matter of law. Dependent claim 33 is believed to be allowable for at least the reason that it depends from and includes the elements of allowable independent claim 28. Since *Berberich* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 33 is allowable as a matter of law. Further, dependent claim 40 is believed to be allowable for at least the reason that it depends from and includes the elements of allowable independent claim 35. Since *Berberich* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 40 is allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

G. Claims 27 and 34 are Allowable Over *Shaffer* in view of *Ridgley* and *Scherer* further in view of *Albers*

The Office Action indicates that claims 27 and 34 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,567,507 ("*Shaffer*") in view of U.S. Patent Number 6,195,418 ("*Ridgley*") in view of U.S. Patent Number 6,137,870

(‘*Scherer*’) further in view of U.S. Patent Number 6,229,887 (“*Albers*”). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* in view of *Ridgley* and in view of *Scherer* further in view of *Albers* fails to disclose, teach, or suggest all of the elements of claims 27 and 34. More specifically, dependent claim 27 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 21. Since *Albers* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 27 is allowable as a matter of law. Further, dependent claim 34 is believed to be allowable for at least the reason that it depends from and includes the elements of allowable independent claim 28. Since *Albers* fails to overcome the deficiencies of *Shaffer*, *Ridgley*, and *Scherer*, claim 34 is allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Allegedly Well Known Subject Matter

In addition, in rejecting claim 35, the Office Action states “Shaffer teaches of a system with components that use computers and computer readable mediums as is well know in the art (Fig. 1)” (OA page 10, line 8). Applicants respectfully traverse the alleged finding of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required. Additionally, Applicants submit that merely providing a reference (or a couple of references) that allegedly discloses the subject matter in question, does not rise to an evidentiary level of being well known in the industry. Applicants submit that even if the cited references disclose the subject matter in question (a point that the Applicants are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this

specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combination that includes “logic configured to receive a dual tone multi frequency (DTMF) signal from the subscriber; ***determine whether the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, and in response to determining that the received DTMF signal indicates a desire to reconnect the subscriber with the voicemail server, reconnect the subscriber with the voicemail server,***” the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverse the cited Official Notice, and submit that claim 35 is patentable in view of the cited art.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

Anthony F. Bonner Jr. Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: **38823**